

## Office of Water Meeting Request Form

Date Received in OW: \_\_\_\_\_

### OFFICE OF WATER MEETING REQUEST FORM

FOR: Michael Shapiro ☒ Benita Best-Wong ☐ optional \_\_\_\_\_

Subject: Informational Briefing for Sarah Greenwalt and David Fotouhi on NACEPT's Assumable Waters Subcommittee

Meeting Requested By: OGC & John Goodin \_\_\_\_\_ Date: \_\_\_\_\_

Office Director Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Date Staff will be ready for this meeting by: April 25, 2017 \_\_\_\_\_

Latest date meeting can happen by: May 8, 2017 \_\_\_\_\_

Time Needed for meeting: 20 Minutes ☒ 45 Minutes \_\_\_\_\_ 1 Hour \_\_\_\_\_ Other \_\_\_\_\_

#### Purpose of the meeting:

AA decision expected?

Yes \_\_\_\_\_ No ☒

Provide AA with information?

Yes ☒ No \_\_\_\_\_

#### **What specifically is to be decided or presented? Why is a meeting needed?**

In a letter dated April 30, 2014, states requested EPA clarify for which waters they may assume CWA 404 permitting authority and for which waters the USACE retains this authority (CWA 404 regulates discharges of dredged or fill material into waters of the U.S.). EPA established a subcommittee under NACEPT, a standing EPA advisory committee, seeking their recommendations on how EPA could provide clarity. We anticipate NACEPT will send their recommendations to the Administrator in early summer.

The subcommittee will be finalizing their recommendations in April and presenting them to NACEPT, for their consideration, in early May. We are proposing this informational briefing on the Subcommittee's work and where we anticipate this is headed. Issues to cover in this briefing include: background on state request for clarity, potential options to be presented to NACEPT, explain how this is an administrative demarcation of responsibility between the federal government and states/tribes and does not affect the Agency's effort to clarify the jurisdictional scope of the CWA.

We recommend having this briefing prior to the NACEPT meeting as some news outlets cover these meetings and may conflate the efforts of the administration to write a rule on the scope of CWA jurisdiction and this effort to clarify who is the permitting authority for certain dredged or fill activities in waters of the U.S. These are distinct efforts and the Subcommittee's recommendations do not affect the jurisdictional scope of the CWA.

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**Who will attend the meeting?**

**Mandatory Attendees (Give Full Names as listed in Outlook and Identify Office):**

**OA** – Sarah Greenwalt

**OGC** - David Fotouhi, Steve Neugeborn, Simma Kupchan

**OWOW** – John Goodin, Mindy Eisenberg, Michael McDavit, Kathy Hurld

**R10** – Michael Szerlog

**Optional Attendees (Give Full Names as listed in Outlook and Identify Office – please copy your own office's Special Assistant):**

**OW** – Ann Campbell, Greg Peck

**OGC** – Kevin Minoli, Carrie Wehling

**OWOW** – Romell Nandi, Abu Moulta-Ali, Donna Downing

**OECA** – Jeffrey Speir

**AA/DAA Conference Technology** - Please check all that apply:

- **Presentation** (e.g., PowerPoint or video file(s) uploaded to computer) \_\_\_\_\_
- **Conference Call Line** \_\_\_X\_\_\_
- **VTC** \_\_\_\_\_ [VTC location(s) (i.e., Region and room number) and a VTC contact person(s) must be provided to the OW-IO Schedulers no later than **24 hours in advance** of the meeting. If known at the time the meeting request form is submitted, please provide this information below.]

**Conference line to use for phone-in attendees:**

\_\_\_\_ Please use Mike's Conference line \_\_\_\_\_

*(NOTE: If your meeting will require a conference call line, please request that a conference call number be added to your meeting request form. It is recommended that you request that the OW IO scheduler use the conference call number for the appropriate OW manager being briefed, (i.e. Mike or Benita). If the program office chooses to use different conference call number for the meeting, the meeting POC will be responsible for opening the conference line with the appropriate PIN number.)*

**Person Providing Agenda for the Meeting:**

**Name:** Kathy Hurld **Phone:** 202-566-1269

**Person Providing Briefing Material (if any) for the Meeting:**

**Name:** Kathy Hurld **Phone:** 202-566-1269

All meeting materials are due in BOTH hard copy and electronic copy no later than 3:00 p.m. the day before the meeting, unless the meeting is scheduled too late to allow this. Please provide one hard copy per OW principal attending.

- **Your office's scheduler or SA will email all electronic copies to Crystal Penman and Ann**

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**Campbell (for Mike Shapiro) or Crystal Edwards and Ann Campbell (for Benita Best-Wong).**

- **Deliver hard copies to:**
  - **Crystal Penman: (3219 WJC East) for Mike Shapiro**
  - **Crystal Edwards: (3223 WJC for) for Benita Best-Wong**

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